

Chapter 16A

WATER AND SEWERS

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ARTICLE I.

SEWER ORDINANCE*

*0;P.C. Ord. No. 6-91, § 1, adopted April 10, 1991, repealed former Art. I, §§ 16A-1--16A-12, relative to sewers and § 2 of said ordinance enacted a new Art. I to read as herein set out. The provisions of former Art. I derived from P.C. Ord. No. 85-7, adopted July 24, 1985 and P.C. Ord. No. 9-89, adopted Dec. 13, 1989.

Sec. 16A-1. Definitions.

Authority. Shall mean, where applicable the Harrisonburg-Rockingham Regional Sewer Authority, a public body politic and corporate, created pursuant to the Virginia Water and Sewer Authorities Act or its duly authorized representatives, where applicable.

BOD (denoting biochemical oxygen demand). Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter (mg/l).

Building drain. Shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer. Shall mean the extension from the building drain to the public sewer or other place of disposal.

Combined sewer. Shall mean a sewer receiving both surface runoff and sewage.

County. Shall mean the County of Rockingham, Virginia, or its designated agent.

Director. Shall mean the director of public works of the County of Rockingham, or his authorized agent or representative.

EPA. Shall mean the United States Environmental Protection Agency.

Federal Categorical Pretreatment Standards. Shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1251, et seq.).

Garbage. Shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Industrial wastes. Shall mean the liquid wastes from industrial manufacturing processes, trade, or business excluding water carried human wastes.

Interference. Shall mean the inhibition or disruption of the authority's treatment processes or operations. The term includes prevention of sewage sludge use or disposal by the county or the authority in accordance with Section 405 of the Clear Water Act (33 U.S.C. 1345), or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the county or the authority.

May. Is permissive.

Natural outlet. Shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Pass through. Shall mean a discharge which exits a sewage works into state waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of a county or the authority NPDES permit (including an increase in the magnitude or duration of a violation). An industrial user significantly contributes to such permit violation where it: (a) discharges a daily pollutant loading in excess of that allowed by the county or the authority or by federal, state or local law; (b) discharges sewage which substantially differs in nature and constituents from the user's average discharge; (c) knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; or (d) knows or has reason to know that the county or the authority is, for any reason, violating a final effluent limitation in its permit and that such industrial user's discharges, either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the violations.

Person. Shall mean any individual, firm, company, association, society, corporation, or group.

pH. Shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Properly shredded garbage. Shall mean the wastes from the preparation, cooking and dispensing of food

that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Public sewer. Shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sanitary sewer. Shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Sewage. Shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and stormwaters as may be present.

Sewage treatment plant. Shall mean any arrangement of devices and structures used for treating sewage.

Sewage works. Shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sewer. Shall mean a pipe or conduit for carrying sewage.

Shall. Is mandatory.

Significant industrial user. Shall mean any industrial user which:

- (a) Has an average discharge flow of twenty-five thousand (25,000) gallons or more per day, or
- (b) Discharges sewage which makes up five (5) per cent or more of the average dry weather hydraulic or organic capacity of the county's or the authority's wastewater treatment system, or
- (c) Has in its wastes toxic pollutants as defined by Section 307 of the Clean Water Act or by state statutes and rules, or
- (d) Is subject to Federal Categorical Pretreatment Standards, or
- (e) Is found by the county or the authority to have significant impact, either singly or in combination with other contributing industries, on a sewage works, the quality of sludge, the system's effluent quality or air emissions generated by the system, or
- (f) Is designated as such by the county or the authority on the basis that the industrial user has a reasonable potential for adversely affecting a sewage works or for violating any Federal Categorical Pretreatment Standard.

Slug. Shall mean any discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

Storm drain. (sometimes termed storm sewer). Shall mean a sewer which carries storm and surface

waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Suspended solids. Shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Watercourse. Shall mean a channel in which a flow of water, occurs, either continuously or intermittently.

(P.C. Ord. No. 6-91, § 2, 4-10-91)

Sec. 16A-2. Use of public sewers required.

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the county or in any area under the jurisdiction of said county, any human excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the county, or in any area under the jurisdiction of said county, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the county and not within any boundaries of any town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the county, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

(P.C. Ord. No. 6-91, § 2, 4-10-91)

Sec. 16A-3. Private sewage disposal.

Where a public sanitary or combined sewer is not available under the provisions of section 16A-2, or when an owner has not been issued an NPDES permit, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the district health officer of the state department of health.

(P.C. Ord. No. 6-91, § 2, 4-10-91)

Sec. 16A-4. Building sewers and connections.

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit. All permits, except for those issued to significant industrial users, shall be issued by the county. Permits for significant industrial users shall be issued either by the county or the authority, which shall be determined by the ownership of the sewage treatment plant where the sewage of the significant industrial user will be treated.

(b) There shall be two (2) classes of building sewer permits:

(1) For residential and commercial service, and

(2) For service to establishments producing industrial wastes.

The owner or his agent shall make application on a special form furnished by the county or authority, as the case may be, in the case of significant industrial users and by the county for all other person. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director or the authority, as the case may be.

(c) Permits for significant industrial users shall be issued for a period not to exceed five (5) years as determined by the county or the authority. The user shall apply for a permit reissuance at least one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the new permit may modify the terms and conditions of the existing permit. The user shall be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(d) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the county from any loss or damage that directly or indirectly may be occasioned by the installation of the building sewer.

(e) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(f) Old building sewers may be used in connection with new buildings only when they are found on examination and test by the director, to meet all requirements of this article.

(g) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavation, placing on the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Virginia Uniform Statewide Building Code or other applicable rules and regulations of the county.

(h) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(i) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(j) The connection of the building sewer into the public sewer shall conform to the requirements of

the Virginia Uniform Statewide Building Code or other applicable rules and regulations of the county. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

(k) The applicant for the building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director or his representative.

(l) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the county.

(P.C. Ord. No. 6-91, § 2, 4-10-91)

Sec. 16A-5. Use of public sewers.

(a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewer or to a natural outlet approved by the director. Uncontaminated industrial cooling water or unpolluted process waters may be discharged on approval of the director to a storm sewer, combined sewer, or natural outlet.

(c) No persons shall discharge or cause to be discharged, either directly or indirectly, to any public sewer any of the following described waters, sewage or wastes:

- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in other way to a sewage works including, but no limited to, wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Celsius using the test methods specified in 40 CFR, 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, fuel oil, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- (2) Unusual concentrations of suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residue) not to exceed three hundred (300) mg/1 of total suspended solids.
- (3) Any sewage or other substance having a pH less than 5.5 or greater than 9.5, or having any other corrosive property capable of causing damage or creating a hazard to a sewage works or personnel of the county or the authority.
- (4) Any sewage or other substance containing toxic pollutants or gases, vapors or fumes in sufficient quantity, either alone or by interaction with other substances, which injures any wastewater treatment process, may cause acute worker health or safety problems, creates a toxic effect in the receiving waters of the county or the authority, or exceeds the limitation set forth in a Federal

Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Clean Water Act.

- (5) Any noxious or malodorous liquids, gases or solids, which either alone or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent personnel of the county or the authority from entering into the sewers for maintenance and repair.
- (6) Any substance which may cause the county's or the authority's effluent or any other product of the county or the authority such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall substance discharged to the sewage works cause the county or the authority to violate any sludge use or disposal criteria, in guidelines or regulations developed under the Solid Waste Disposal Act, the Clear Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- (7) Any substance which will cause the county or the authority to violate an NPDES permit or the quality standards of the receiving water.
- (8) Any sewage or other substance with objectionable color which cannot be removed by the sewage treatment plant, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any sewage or other substance having a temperature which will inhibit biological activity in a sewage treatment plant resulting in an interference, but in no case wastewater with a temperature that causes the temperature of the combined wastewater of all users at the sewage treatment plant to exceed forty (40) degrees Celsius (104 degrees Fahrenheit).
- (10) Any slug loading.
- (11) Any sewage or other substance containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the county or authority in compliance with applicable state or federal regulations.
- (12) Any sewage or other substance containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (151) degrees Fahrenheit.
- (13) Any sewage or other substance, which exceeds the following limits for the listed parameters:

<i>Parameters</i>	<i>Maximum/day (mg/l)</i>
Cadmium	0.089
Chromium	4.391
Copper	1.716
Cyanide	2.178
Lead	1.181
Mercury	0.002
Nickel	1.518
Silver	2.837
Zinc	5.035

- (14) Any trucked or hauled pollutants, except at discharge points designated by the county or authority.
- (15) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (16) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or an interference such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (17) Any waters or wastes containing quantities of pollutants which exceed the applicable limitations set forth in a Federal Categorical Pretreatment Standard as such standards may be revised from time to time.
- (18) Any sewage or other substance containing unusual concentrations of biochemical oxygen demand which shall not exceed three hundred (300) mg/l.

(d) No person shall either directly or indirectly discharge or cause to be discharged any waters, sewage or wastes to any public sewer which will cause a pass through or an interference with the operation or performance of a sewage works or the following described substances, material, waters, or wastes if it appears likely in the opinion of the director or the authority that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on a receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. Consideration will be given to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The prohibited substances are:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius).
- (2) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the director.
- (3) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (4) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at a sewage treatment plant exceeds the limits established by the director or authority for such materials.

(5) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the director as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to a receiving stream.

(6) Materials which exert or cause unusual concentrations of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate), not to exceed three hundred (300) mg/l.

(e) Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, such standards, if more stringent than limitations imposed under this article, shall immediately supersede the limitations imposed under this article. The director or authority shall notify all affected users of the applicable reporting requirements under 40 CFR, 403.12.

(f) The county or authority or both, as the case may be, reserve the right to set specific numerical limitations on the quantity of pollutants discharged by any user to a sewage works. Any specific limitation will affect all users and will be set at such limits which will further the objectives of this article. The limitations will be determined in accordance with the regulations and procedures established by EPA, the county or the authority.

(g) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.

(h) No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this article, the Federal Categorical Pretreatment Standards or any other federal, state or local law or regulation.

(i) *Accidental discharge.*

(1) Each user shall provide protection from accidental discharge of prohibited pollutants or other substances regulated by this article. In case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the county or the authority or both, as the case may be, of the incident. The notification shall include the location of the discharge, type of waste, concentration, volume, and corrective actions.

(2) Within five (5) days following an accidental discharge; the user shall submit to the county or the authority or both, as the case may be, a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar further occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage of a sewage works, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous or accidental discharge.

(j) The county or authority may deny or condition new or increased contributions of pollutants, or

changes in the nature of pollutants, to a sewage works by any user where such contributions do not meet applicable pretreatment standards or requirements or where such contributions would cause a pass through or interference. All industrial users shall promptly notify the county or the authority in advance of any substantial change in the volume or character of pollutants in their sewage including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification.

(k) All industrial users shall notify the county or authority or both, as the case may be, immediately of all discharges that could cause problems to a sewage works, including but not limited to any slug loadings by such users. This notification shall be followed up within five days by written notification as provided in section 16A-5(i)(2) of this Code.

(l) *Notification of hazardous waste.*

- (1) All industrial users shall notify the county or the authority or both, as the case may be, EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into a sewage works a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the system, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: (i) an identification of the hazardous constituents contained in the wastes, (ii) an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and (iii) an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d) and (e).
- (2) Industrial users are exempt from the above requirements during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges additional quantities of such hazardous waste do not require additional notification.
- (3) In the case of new regulations under Section 3001 of Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the county or the authority or both, as the case may be, EPA Regional Waste Management Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (4) In the case of any notification made under this section, the industrial user shall certify that it has

a program in place to reduce the volume of toxicity of hazardous waste generated to the degree it has determined to be economically practical.

- (5) Industrial users who commence discharging hazardous wastes after the effective date of the Hazardous Waste Notification Requirement of 40 CFR 403.12(p) (August 23, 1990), shall provide notification no later than one hundred eighty (180) days after the discharge of the hazardous waste.
- (m) *Reporting requirements.*
 - (1) Within ninety (90) days following the date for final compliance with applicable pretreatment standards or requirements or, in the case of a new source, following commencement of the introduction of sewage into a sewage works, any user subject to pretreatment standards or requirements shall submit to the county or the authority or both, as the case may be, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements and the average and maximum daily flow for these process units. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation, maintenance and pretreatment is necessary to bring the user into compliance with applicable pretreatment standards or requirements.
 - (2) After the compliance date of such pretreatment standard or requirement or, in the case of a new source, after commencement of the discharge into a sewage works, a user subject to a pretreatment standard or requirement, shall submit to the county or the authority or both, as the case may be, at least once every six (6) months, unless required more frequently in the pretreatment standard or requirement or by the county or authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or requirements. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period. At the discretion of the director or authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director or authority may alter the months during which the above reports are to be submitted.
 - (3) Reports and applications submitted by any industrial user must be signed by "a responsible corporate officer" or a duly authorized representative of that individual. A responsible corporate officer is defined as the president, secretary, treasurer or vice president of the corporation in charge of the principal business function. In addition, the manager of one or more manufacturing, production or operating facility(ies) of the corporation, if the facility employs more than two hundred fifty (250) persons or has gross national sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00), may also sign the reports as long as the manager has been authorized to sign reports in accordance with proper procedures. The responsible corporate officer may also authorize a representative to sign the reports provided the officer forwards a written notice to the county or the authority or both, as the case may be, stating that the representative has been authorized to sign the reports. A duly authorized representative might be an individual or position responsible for the overall operations of the facility (eg. plant manager) or an individual in charge of all environmental affairs for the facility.

The following statement shall be used on all such reports, applications and notices requiring certification.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

- (4) The director or authority may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (2) above shall indicate the mass of pollutants regulated by pretreatment standards or requirements in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the director or authority, of pollutants contained therein which are limited by the applicable pretreatment standards or requirements. The frequency of monitoring shall be prescribed in the applicable pretreatment standard, requirements and discharge permit.
- (5) All analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Clean Water Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the EPA. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of EPA.
- (6) Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples: (i) the date, exact place, method, and time of sampling and the names of the person or persons taking the samples; (ii) the dates analyses were performed; (iii) who performed the analyses; (iv) the analytical techniques or methods used; and (v) the results of such analyses.
- (7) Any industrial user subject to the reporting requirements established in this section shall retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the county or authority. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the county or authority.
- (n) Users shall provide necessary pretreatment as required to comply with this article and shall

achieve compliance with all pretreatment standards or requirements within the time limitations as specified by this article, the discharge permit, any order or Federal Categorical Pretreatment Standards, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the county or authority shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the county or the authority or both, as the case may be, for review, and shall be acceptable to the county and the authority or both, as the case may be, before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the county or the authority or both, as the case may be, under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the county or the authority or both, as the case may be, prior to the user's initiation of the changes.

(o) Grease, oil and sand interceptors shall be provided when, in the opinion of the director or authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the director or authority, and shall be located as to be readily and easily accessible for cleaning and inspection.

(p) When required by the director or authority, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director or authority. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(q) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

(r) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the county and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the county or the authority for treatment, subject to payment therefore, by the industrial concern. No such agreement or arrangement shall permit the industry to exceed applicable Federal Categorical Pretreatment Standards.

(P.C. Ord. No. 6-91, § 2, 4-10-91; P.C. Ord. No. 18-92, 9-9-92)

Sec. 16A-6. Protection of sewage works.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover,

deface, or tamper with any structure, appurtenance, or equipment which is part of a sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
(P.C. Ord. No. 6-91, § 2, 4-10-91)

Sec. 16A-7. Authority of inspectors.

(a) The director or other duly authorized employees of the county or the authority or both, as the case may be, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The director or the authority and their representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. The county or the authority may examine and copy the records of any user pertaining to any monitoring activities.

(b) The director or other duly authorized employees of the county or the authority or both, as the case may be, and its representatives bearing proper credentials and identification shall be permitted to enter all private properties through which the county holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of a sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(P.C. Ord. No. 6-91, § 2, 4-10-91)

Sec. 16A-8. Enforcement of article.

(a) *Harmful contributions.*

- (1) The county or the authority may suspend the wastewater treatment service or a discharge permit or cut off the sewer connection when such suspension or cut-off is necessary, in the opinion of the county or the authority in order to stop an actual or threatened discharge which:
 - a. Presents or may present an imminent or substantial endangerment to the health or welfare of persons; or
 - b. Presents or may present an imminent or substantial endangerment to the environment; or
 - c. May cause or actually causes an interference or pass through; or
 - d. Causes the county or the authority to violate any condition of an NPDES permit.
- (2) The county or the authority may reinstate the discharge permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.
- (3) In the event of a suspension or cut-off under this section, within fifteen (15) days the user shall submit to the county or the authority or both, as the case may be, a written report describing the vent that caused the suspension and the measures taken to prevent any recurrence.

(b) The county or the authority may revoke any discharge permit or cut off the sewer connection if either finds:

- (1) A user has falsified information or records submitted or retained in accordance with this article or in connection with any permit issued pursuant to this article; or
- (2) A user has violated the conditions of its discharge permit; or
- (3) A user has refused right of entry guaranteed by this article; or
- (4) A user has failed to re-apply for a permit or request a required permit modification; or
- (5) A user has discharged in violation of this article; or
- (6) Changed circumstances which require a temporary or permanent reduction or elimination of the permitted discharge.

(c) *Complaint (notice of violation).*

(1) The county or the authority may issue a written complaint if there are reasonable grounds to believe that the person to whom the complaint is directed has violated:

- a. This article; or
- b. Any rule or regulations adopted under this article; or
- c. Any order or permit issued under this article.

(2) A complaint issued under this section shall:

- a. Specify the provision that allegedly has been violated; and
- b. State the alleged facts that constitute the violation.

(d) *Issuance of notice or order.*

(1) After or concurrently with the issuance of a complaint under this article, the county or the authority may:

- a. Issue an order that requires the person to whom the order is directed to take corrective action within a time set in the order; or
- b. Send a written notice that requires the person to whom the notice is directed to file a written report about the alleged violation; or
- c. Send a written notice that requires the person to whom the notice is directed:

1. To appear at a hearing at a time and place scheduled in order to answer the charges in the complaint; or
 2. To file a written report and also appear at a hearing at a time and place set to answer the charges in the complaint.
- (2) Any order issued under this article is effective immediately, according to its terms, when it is mailed by certified or registered mail return receipt requested, through the U.S. Postal Service.
- (e) *Hearings.*
 - (1) Within ten (10) days after the effective date of an order, the person to whom the order is directed may request a hearing by written request to the director if the order was issued by the county, or to the authority if the order was issued by the authority.
 - (2) In connection with any hearing under this subsection, the county or the authority may:
 - a. Subpoena any person or evidence; and
 - b. Order a witness to give evidence.
- (f) *Final corrective orders.*
 - (1) Unless the person served with an order makes a timely request for a hearing, the order is a final order. If the person to whom an order is directed makes a timely request for a hearing, the order becomes a final corrective order when the county or authority renders its decision following the hearing.
 - (2) This section does not prevent the county or authority or others from taking action against a violator before the expiration of the time limitations or schedules in the order.
- (g) *Injunctive relief.*
 - (1) The county or the authority may bring an action for an injunction against any person who violates any provision of this article or any rule, regulations, order or permit adopted or issued under this article.
 - (2) In any action for an injunction under this subsection, a finding of the county or authority after hearing is prima facie evidence of such fact.
 - (3) On a showing that any person is violating or is about to violate this article or any rule, regulation, order, or permit adopted or issued by the county or the authority, the court shall grant an injunction without requiring a showing of lack of an adequate remedy at law.
 - (4) If any emergency arises due to imminent danger to the public health or welfare, or imminent

danger to the environment, the county or authority may sue for an immediate injunction to stop any pollution or other activity that is causing the danger.

(P.C. Ord. No. 6-91, § 2, 4-10-91)

Sec. 16A-9. Validity.

(a) All ordinances or parts of ordinances in conflict with this article are hereby repealed.

(b) The invalidity of any section, clause, sentence, or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.

(P.C. Ord. No. 6-91, § 2, 4-10-91)

Sec. 16A-10. Violations of article.

(a) Any person found to have violated any provision of this article or any permit issued under this article shall be liable for a civil penalty not exceeding twenty-five thousand dollars (\$25,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition, such person shall pay all reasonable costs of the county or the authority or both, as the case may be, including reasonable attorney's fees, fines, repair or damage, injury to personnel, degradation of sludge quality and violations of water, air and sludge standards caused by the violation.

(b) Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or the discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device required under this article shall, upon conviction, be punished by a fine not exceeding two thousand five hundred dollars (\$2,500.00) per violation or confinement in jail not exceeding twelve (12) months, either or both.

(c) Any person who violates any provision of or fails to perform any duty imposed by this article or of any permit issued under this article, shall be guilty of a misdemeanor and upon conviction be punished by a fine not exceeding two thousand five hundred dollars (\$2,500.00) per violation or confinement in jail not exceeding twelve (12) months, either or both.

(P.C. Ord. No. 6-91, § 2, 4-10-91)

Sec. 16A-11. Lien on real estate for taxes and charges related to water and sewer services provided by the county.

Any taxes or charges made, imposed, or incurred for water or sewer services provided by the county, or the use thereof within or outside of the county, shall be a lien on the real estate served by such water or sewer services, provided, however, that where residential rental real estate is involved, no lien shall attach:

(1) Unless the user of the water or sewer services is also the owner of the real estate; or

(2) Unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property.

Any lien imposed by this section may be collected by the county pursuant to the terms of Virginia Code § 15.2-2119, or its successor statute.
(P.C. Ord. No. 03-11, 12-17-03)

ARTICLE II.

RESERVED